

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK (**WHITE PLAINS**)

-----X  
In re:

William J. Eager,

**Case No.: 19-22874**  
**Chapter 7**  
**Hon. Robert D. Drain**

Debtor.

-----X

**OBJECTION TO DEBTOR'S REQUEST FOR LOSS MITIGATION**

Nationstar Mortgage LLC (hereinafter, "Secured Creditor"), by and through its undersigned counsel, objects to Debtor's request for loss mitigation (Docket Entry No. 12), and states as follows:

1. Secured Creditor holds a security interest in the real property located at **2 Sable Court West Nyack, NY 10994**.
2. William J. Eager (the "Debtor"), filed a voluntary petition pursuant to Chapter 7 of the Bankruptcy Code on April 26, 2019
3. On May 17, 2019, after the secured creditor filed a motion for relief from the automatic stay, the Debtor filed a request to enter into loss mitigation on (Docket Entry No. 12).
4. Secured Creditor objects to Debtor's request to participate in Loss Mitigation, as Debtor has been offered, has defaulted and has been reviewed for loss mitigation numerous times
5. First the debtor has already received 2 prior modifications. That modification capitalized additional payments to bring the file next due for 5/1/2015. The customer only made one payment after that modification was booked in 2015.
6. Since that prior modification the debtor was offered 2 trials which they did not accept and then were denied for 2 modifications with the most recent being in October 2018.
7. The figures for the October 2018 denial letter are below:

2018 denial  
Current upb 414,780.82  
Current interest rate 4.625%  
Current p&I payment 1944.30  
Post mod upb 651,708.08  
Post mod forbearance 195,512.42  
Post mod interest bearing principal 456,195.66

Post mod terms 480 months  
Post mod interest rate 4.625%  
Post mod p&I payment 2087.68

Since the p&I payment increased the modification was denied.

8. As the debtor has missed additional payments the amount of the modified P&I would only increase and since the P&I has already previously been increased beyond the amount to allow a modification it is respectfully submitted that the debtor's request to enter into loss mitigation be denied.
9. Based on the foregoing, Secured Creditor respectfully requests that the Court deny Debtor's request to enter into Loss Mitigation.

**WHEREFORE**, Secured Creditor respectfully requests this Court deny Debtor's Request of Loss Mitigation for the reasons stated herein, and for such other and further relief as the Court may deem just and proper.

Dated: May 29, 2019

Respectfully submitted,

/s/ Barbara Whipple  
Barbara Whipple, Esq.  
RAS Boriskin, LLC  
Attorneys for Secured Creditor  
900 Merchants Concourse, Suite 310  
Westbury, NY 11590  
Phone: (516) 280-7675  
Fax: (516) 280-7674